

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 1217

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
PROVIDING FOR THE REDISTRICTING OF SCHOOL DISTRICTS; ENACTING A  
NEW SECTION OF THE PUBLIC SCHOOL CODE; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 22, Article 4 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] SCHOOL DISTRICTS OF CERTAIN SIZE--  
REDISTRICTING--TIME CONSIDERATIONS--REFERENDUM--APPOINTED AND  
ELECTED BOARDS.--

A. A school district with membership that is  
greater than thirty-five thousand students shall prepare a  
redistricting plan that divides the school district into  
smaller districts. The plan shall be submitted to the  
qualified electors of the school district for their approval or

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1 rejection.

2 B. The department shall notify the school district  
3 when the school district is required to prepare a redistricting  
4 plan, and the school district shall complete its plan within  
5 two years. The department shall adopt and promulgate rules  
6 setting forth the procedures for the redistricting of a school  
7 district pursuant to Subsection A of this section.

8 C. The department shall appoint a task force to  
9 assist the school district with its redistricting plan. The  
10 task force shall include employees of the school district;  
11 students of the school district; parents with students who  
12 attend public school in the school district; and business and  
13 other representatives from the attendance areas of the high  
14 schools in the school district. Members of the task force who  
15 are not employees of the school district or the department may  
16 receive per diem and mileage pursuant to the provisions of the  
17 Per Diem and Mileage Act.

18 D. The task force shall consider and report on the  
19 following to the school district and the department:

20 (1) the boundaries of the proposed new school  
21 districts;

22 (2) population demographics, district growth  
23 patterns, ethnicity, economic levels, family income and student  
24 and adult educational achievement and attainment levels in the  
25 proposed school districts;

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1 (3) the division of assets, liabilities and  
 2 indebtedness, including real and personal property, of the  
 3 existing school district;

4 (4) the bonded indebtedness and voter-approved  
 5 mill levies of the existing school district;

6 (5) the ability of the proposed school  
 7 districts to raise operational and capital funds;

8 (6) the effects of redistricting on  
 9 transportation costs of the existing and proposed school  
 10 districts; and

11 (7) other considerations that affect  
 12 redistricting or the proposed school districts.

13 E. The department may contract for services with  
 14 recognized experts in the areas of school district  
 15 redistricting, public finance and taxation and other  
 16 specialities the department determines.

17 F. The school district and the task force shall  
 18 furnish the department with periodic progress reports and a  
 19 final report. The reports are public documents, and the school  
 20 district shall endeavor to inform the residents of the school  
 21 district of their availability.

22 G. The school district shall publish the final  
 23 redistricting plan in a newspaper of general circulation in the  
 24 school district. To ensure the widest possible dissemination  
 25 of the plan, the school district shall make copies of the plan

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1 available at every public school in the school district, at  
2 other school district sites and on a web page accessible  
3 through the internet.

4 H. The school district shall hold a special school  
5 district election on the first Tuesday of February 2009 on the  
6 question of dividing the school district into smaller  
7 districts.

8 I. The referendum question shall be presented on  
9 ballots in substantially the following form:

10 "\_\_\_\_\_ For the redistricting of the \_\_\_\_\_ school  
11 district and the creation of \_\_\_\_\_ school districts.

12 \_\_\_\_\_ Against the redistricting of the \_\_\_\_\_  
13 school district and the creation of \_\_\_\_\_ school districts.".

14 J. If a majority of the qualified electors voting  
15 in the special election vote in favor of redistricting the  
16 school district, the department shall order the creation of the  
17 school districts and the appointment of members to the interim  
18 local school boards in accordance with the provisions of  
19 Section 22-4-10 NMSA 1978.

20 K. The members of the new local school boards shall  
21 be elected at the next regular school district election after  
22 the department orders the creation of the school districts.  
23 Members shall be elected to four-year terms, commencing March 1  
24 succeeding the election.

25 L. The rights and protections of employees provided

1 by the policies and procedures of the existing school district  
2 shall be maintained upon completion of redistricting."

3 Section 2. APPROPRIATION.--Eighty thousand dollars  
4 (\$80,000) is appropriated from the general fund to the public  
5 education department for expenditure in fiscal years 2008  
6 through 2010 to assist in the redistricting of school districts  
7 that exceed thirty-five thousand students. Any unexpended or  
8 unencumbered balance remaining at the end of fiscal year 2010  
9 shall revert to the general fund.

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